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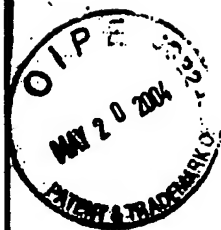
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DEP7REF

Practitioner's Docket No. 30750-1001STAT PATENT EX 1307  
BRANCH

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

☒ In re application of: Rodney E. Herrington, et al.

2004 MAY 27 PM 4:33

Application No.: 10/759,750

Group No. Unknown

Filed: January 16, 2004

Examiner: Unknown

For:

☐ Patent No.: \_\_\_\_\_ Issued: \_\_\_\_\_

*\*NOTE: Insert name(s) of inventor(s) and title also for patent. Where statement is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.*

## STATEMENT OF STATUS AS SMALL ENTITY (37 C.F.R. § 1.27(a)(1)-(3))

With respect to the invention described in

- ☐ the specification filed herewith.
- ☒ application no. 10/759,750, filed 1/16/2004.
- ☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_.

## I. IDENTIFICATION OF PERSON MAKING STATEMENT AND RIGHTS AS A SMALL ENTITY

I hereby state that I am

(complete either (a), (b), (c) or (d) below)

## (a) Independent Inventor

- ☐ a below named independent inventor, and that I qualify as a person, as defined in 37 C.F.R. § 1.27(a)(1), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office.

## (b) Noninventor Supporting a Claim by Another

- ☐ making this statement to support a claim by \_\_\_\_\_

\_\_\_\_\_

for a small entity status for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code. I hereby state that I would qualify as a person as defined in 37 C.F.R. § 1.27(a)(1) for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, if I had made the above-identified invention.

## II. OWNERSHIP OF INVENTION BY DECLARANT

I hereby state that rights under contract or law remain with and/or have been conveyed to the above identified

STATUS AND ENTITY  
BRANCH

2001 MAY 27 PM 4:36

☐ person  
(item (a) or (b) above)

☒ concern  
(item (c) above)

☐ organization  
(item (d) above)

EXCEPT, that if the rights field are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held (1) by any person who could not be classified as a person under 37 C.F.R. § 1.27(a)(1) if that person had made the invention, (2) any concern which would not qualify as a small business concern under 37 C.F.R. § 1.27(a)(2) or (3) a nonprofit organization under 37 C.F.R. § 1.27(a)(3).

☒ no such person, concern, or organization

☐ person, concerns or organizations listed below\*

\*NOTE: Separate statements should be obtained from each named person, concern or organization having rights to the invention as to their status as small entities.

Full Name \_\_\_\_\_

Address \_\_\_\_\_

☐ INDIVIDUAL    ☐ SMALL BUSINESS CONCERN    ☐ NONPROFIT ORGANIZATION

Full Name \_\_\_\_\_

Address \_\_\_\_\_

☐ INDIVIDUAL    ☐ SMALL BUSINESS CONCERN    ☐ NONPROFIT ORGANIZATION

## III. ACKNOWLEDGEMENT OF DUTY TO NOTIFY PTO OF STATUS CHANGE

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.27(g)(2))

STATUS AND ENTITY  
BRANCH

(c) Small Business Concern

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

JUL 27 1977 PM 4:38

Name of Concern MIOX Corporation

Address of Concern 5500 Midway Park Place NE, Albuquerque,  
New Mexico 87109

and

that the above identified small business concern qualifies as a small business concern, as defined in 13 C.F.R. § 121 (37 C.F.R. § 1.27(a)(2)), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

(d) Non-Profit Organization

- ☐ an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization \_\_\_\_\_

Address of Organization \_\_\_\_\_

TYPE OF ORGANIZATION

- ☐ University or other institution of higher education (located in any country)
- ☐ Tax Exempt Under Internal Revenue Service Code (26 U.S.C. §§ 501(a) and 501(c)(3))
- ☐ Nonprofit scientific or educational under statute of state of the United States of America (35 U.S.C. 201(f))  
(Name of State \_\_\_\_\_)  
(Citation of Statute \_\_\_\_\_)
- ☐ Would qualify as tax exempt under Internal Revenue Service Code (26 U.S.C. §§ 501(a) and 501(c)(3)), if located in the United States of America
- ☐ Would qualify as nonprofit scientific or educational under statute of state of the United States of America, or would be tax exempt under the Internal Revenue Code (26 U.S.C. §§ 501(a) and 501(c)(3)), if Located in the United States of America  
(Name of State \_\_\_\_\_)  
(Citation of Statute \_\_\_\_\_)

and that the nonprofit organization identified above qualifies as a nonprofit organization, as defined in 37 C.F.R. § 1.27(a)(3), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code.

(Statement Claiming Small Entity Status (37 C.F.R. § 1.9(c-f) and 1.27(b-d))  
(7-10)—page 2 of 5)

or

(f)

NOTE: The title of the person signing on behalf of a concern or nonprofit organization should be specified.

Name of Person Signing Curtis Mitchke

Title of Person Vice President and Secretary

(if signing on behalf of a concern or non-profit organization)

Address of Person Signing MIOX Corporation, 5500 Midway Park Place, N.E.,  
Albuquerque, New Mexico 87109

SIGNATURE



DATE

3/25/04



Practitioner's Docket No. 30750-1001

PATENT

STATUS AND ENTRY  
SEARCH

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 27 PM 4:38

☐ In re application of: Rodney E. Herrington, et al.  
Application No.: 10/759,750 Group No. Unknown  
Filed: 01/16/2004 Examiner: Unknown  
For: PUMPS FOR FILTRATION SYSTEMS

☐ Patent No.: \_\_\_\_\_ Issued: \_\_\_\_\_

\*NOTE: Insert name(s) of inventor(s) and title also for patent. Where the refund request is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.

Commissioner for Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

ATTENTION: Refund Section, Accounting Division, Office of Finance

REQUEST FOR REFUND  
(37 C.F.R. § 1.28(a))

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***  
(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 \*

☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Date: 5/17/04

Signature

Deborah A. Peacock

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

NOTE: 37 C.F.R. § 1.28(a): "(a) Refunds based on later establishment of small entity status. A refund pursuant to § 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under § 1.136. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee."

NOTE: Submission of a Change of Status (small/not small entity status) after issuance of the Notice of Allowance in an application does not result in a reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.

WARNING: A request for a refund Submissions after a Notice of Allowance may subject an application to a reduction in patent term adjustment under 37 C.F.R. 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.

## I. SUBMISSION OF SMALL ENTITY ASSERTION

(complete (a) or (b))

- (a) ☒ Attached is an assertion of small entity status in this application.  
(b) ☐ An assertion of small entity status was filed in this application on \_\_\_\_\_

## II. REFUND REQUEST

NOTE: 37 C.F.R. § 1.28(b)(1): "(b) Date of payment. (1) The three-month period for requesting a refund, pursuant to paragraph (a) of this section, starts on the date that a full fee has been paid. . ."

This request for refund is made within three months of the date the full fee was paid  
in this application on 01/16/2004, in the amount of \$ 475

NOTE: If the fee was changed to a deposit account, a request for refund must be filed within two months of the date of the charge to the deposit account.

### III. FEE PAID FOR WHICH REFUND REQUESTED

AMOUNT OF  
REFUND  
REQUESTED

- ☒ Filing fee \$ 475.00
- ☐ Surcharge for filing the basic filing fee on a date later than the filing date of the application (37 C.F.R. § 1.16(e) or 37 C.F.R. § 1.16(l)). \$ \_\_\_\_\_
- or
- ☐ Surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. § 1.16(e)) \$ \_\_\_\_\_
- ☐ Surcharge for filing the basic filing fee on a date later than the filing date of the provisional application (37 C.F.R. § 1.51(c)(1) and 37 C.F.R. § 1.16(l)) \$ \_\_\_\_\_
- or
- ☐ Surcharge for filing the cover sheet on a date later than the filing date of the provisional application (37 C.F.R. § 1.51(c)(1) and 37 C.F.R. § 1.16(l)) \$ \_\_\_\_\_
- ☐ Extension of term \$ \_\_\_\_\_
- ☐ Issue fee \$ \_\_\_\_\_
- ☐ Patent maintenance fee
- ☐ first maintenance fee \$ \_\_\_\_\_
- ☐ second maintenance fee \$ \_\_\_\_\_
- ☐ third maintenance fee \$ \_\_\_\_\_
- ☐ Patent maintenance fee surcharge.
- ☐ Other \$ \_\_\_\_\_

NOTE: The refund provisions of § 1.28(a), for later submitted small entity statements, apply to maintenance fees. Notice of July 30, 1984, 1046 O.G. 28-37.

TOTAL REFUND REQUESTED \$ 475.00

### IV. MANNER OF REFUND

Please make refund by crediting:

- ☒ Deposit Account No. 13-4213
- ☐ Credit card as shown on the attached credit card information authorization form PTO-2038.

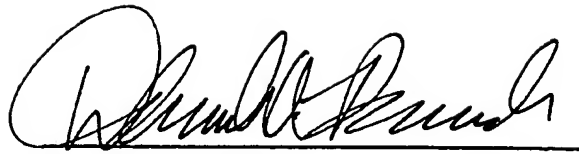
WARNING: Credit card information should not be included on this form as it may become public.

- ☐ refunding overpayment.



NEW MEXICO  
REVENUE

APR 27 11 03 AM



Signature of Practitioner

Reg. No.: 31,649

Deborah A. Peacock

(type or print name of practitioner)

Tel. No.: (505) 998-1501

Peacock, Myers & Adams, P.C.  
P.O. Box 26927

Customer No.: 005179

P.O. Address

Albuquerque, NM 87125-6927